

UNAPPROVED

**VIRGINIA BOARD OF LONG –TERM CARE ADMINISTRATORS
INFORMAL CONFERENCE COMMITTEE
MINUTES**

The Virginia Board of Long-Term Care Administrators Special Conference Committee convened for an informal conference on Tuesday, July 10, 2007 at the Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room #1, Richmond, Virginia.

COMMITTEE MEMBERS PRESENT:

Andrea L. Fricke, Presiding Chair
Kathleen R. Fletcher, MSN

DHP STAFF PRESENT:

Lisa R. Hahn, Executive Director
Emily A. Field, Adjudication Specialist
Rashaun K. Minor, Discipline Operations Manager

OTHERS PRESENT:

Paul Kuhnel, Esquire (Respondent's Attorney)
Gail Glass (Respondent's Aunt)
Trina Minter (Respondent's former Preceptor)

MATTER SCHEDULED

Respondent: Kelly Lynn McGuirk Sams, Administrator-In-Training (AIT)
Case Number: 101951

CALLED TO ORDER

Ms. Fricke called the conference to order at 1:10 p.m.

DISCUSSION

Ms. Sams appeared before the Committee in person in accordance with the Notice of the Board dated June 14, 2007. Ms. Sams was represented by counsel, Paul Kuhnel, Esquire.

The Committee fully discussed the allegations as outlined in the Notice with Ms. Sams, specifically that she may have:

1. Not met the requirements of 18 VAC 95-20-220(3)(ii) of the Regulations Governing the Practice of Nursing Home Administrators in that she has not received a passing grade on the national examination.
2. Not met the requirements of 18 VAC 95-20-220(3)(i) of the Regulations Governing the Practice of Nursing Home Administrators in that she has not completed an Administrator-in-Training (“AIT”) Program which meets the requirements of 18 VAC 95-20-390 of the Regulations.
3. Violated § 54.1-111(A)(6) of the Code and 18 VAC 95-20-470(5) of the Regulations Governing the Practice of Nursing Home Administrators in that she stated on her Application for Nursing Home Administrator Licensure, dated March 27, 2007, that:
 - a. She had completed an AIT program in Virginia, when, in fact, she did not complete the required hours of her approved program and falsified her monthly reports so that it appeared that she had completed the appropriate number of hours.
 - b. She has never been convicted of a misdemeanor, when, in fact, she was convicted of a misdemeanor for driving under the influence in the General District Court of Alleghany County, Virginia, on May 10, 2005, and were sentenced to 30 days incarceration (with all 30 days suspended), a fine of \$500 (with \$250 suspended), 12 months probation, and the suspension of her driver’s license for 12 months.
4. Violated § 54.1-111(A)(2) and (3) of the Code in that between September 20, 2005, and January 20, 2006, she described herself to the public as the Administrator of The Springs Nursing Center, Hot Springs, Virginia (“The Springs”), and placed ads in local newspapers that identified her as the Administrator of The Springs when, in fact, she was not licensed as a nursing home administrator.

CLOSED SESSION

Upon a motion by Ms. Fletcher and duly seconded by Ms. Fricke, the Committee convened a closed meeting pursuant to §2.2-3711.A (28) of the *Code of Virginia*, for the purpose of deliberation to reach a decision in the matter of Ms. Sams. Additionally, Ms. Fletcher moved that Ms. Hahn, Ms. Field, and Ms. Minor attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee its deliberations. The vote was unanimous in favor of the motion.

OPEN SESSION

Ms. Fletcher certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the *Code of Virginia* and the Committee re-convened in open session.

DECISION

Ms. Field read the Findings of Fact and Conclusions of Law adopted by the Committee. A summary of the Findings of Fact and Conclusions of Law are as follows:

1. Ms. Sams has not met the requirements of 18 VAC 95-20-220(3)(ii) of the Regulations Governing the Practice of Nursing Home Administrators in that she has not received a passing grade on the national examination.
2. Ms. Sams has not met the requirements of 18 VAC 95-20-220(3)(i) of the Regulations Governing the Practice of Nursing Home Administrators in that she is lacking hours in her Administrator-in-Training (“AIT”) Program which does not meet the requirements of 18 VAC 95-20-390 of the Regulations.
3. Ms. Sams violated § 54.1-111(A)(6) of the Code and 18 VAC 95-20-470(5) of the Regulations Governing the Practice of Nursing Home Administrators in that she stated on her Application for Nursing Home Administrator Licensure, dated March 27, 2007, that she has never been convicted of a misdemeanor, when, in fact, she was convicted of a misdemeanor for driving under the influence in the General District Court of Alleghany County, Virginia, on May 10, 2005, and was sentenced to 30 days incarceration (with all 30 days suspended), a fine of \$500 (with \$250 suspended), 12 months probation, and the suspension of her driver’s license for 12 months.
4. Ms. Sams violated § 54.1-111(A)(2) and (3) of the Code in that between September 20, 2005, and January 20, 2006, she described herself to the public as the Administrator of The Springs Nursing Center, Hot Springs, Virginia (“The Springs”), and placed ads in local newspapers that

identified her as the Administrator of The Springs when, in fact, she was not licensed as a nursing home administrator.

The terms and conditions were read by Ms. Field:

1. A decision on the application of Kelly McGuirk Sams for licensure by examination shall be CONTINUED, subject to the following terms and conditions:
2. Ms. Sams shall obtain a new, Board-approved preceptor. As part of the Board approval process, the preceptor shall certify in writing to the Board that he or she has received and read a copy of the complete Board Order for Ms. Sams.
3. Ms. Sams shall provide written proof from the Board-approved preceptor of successful completion of an Administrator-in-Training (“AIT”) program consisting of the following actual hours:
 - a. 115 hours in nursing;
 - b. 40 hours in activities; and
 - c. 45 hours in the practical application of ethics, and the responsibilities and appropriate behaviors of nursing home administrators.
4. Ms. Sams shall ensure that the Board-approved preceptor submits detailed “Monthly Reports of Administrator-in-Training” for each month to the Board by the tenth day of each successive month.
5. Ms. Sams shall complete one or more courses in ethics for nursing home administrators, consisting of at least six contact hours, in compliance with 18 VAC 95-20-175(B) of the Regulations Governing the Practice of Nursing Home Administrators. Ms. Sams shall submit written certification of her completion of the course(s) within 10 days of course completion.
6. Approximately six (6) months from the date of entry of this Order, Ms. Sams shall be noticed to re-appear before the Credentials Committee, which shall reconvene to review Ms. Sams’ compliance with this Order and to issue a final determination regarding her application for licensure. The burden will be upon Ms. Sams at this time to demonstrate that she meets the requirements of 18 VAC 95-20-220. Completion of the terms and conditions set forth in this Order does not guarantee that Ms. Sams’ application for licensure will be granted.

7. After consideration of all information presented at the time that the Committee reconvenes, it may:
 - a. Approve Ms. Sams' licensure by examination;
 - b. Recommend to the Board that the application be approved with a reprimand, a monetary penalty, or terms and conditions, which may include placing her on probation;
 - c. Recommend to the Board that her application be denied; or
 - d. Refer the matter to a formal hearing of the board.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of the Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

Upon a motion by Ms. Fletcher and duly seconded, the decision of the Committee was adopted. The vote was unanimous in favor of the motion.

ADJOURNMENT

The Committee adjourned at 3:14 p.m.

As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Ms. Sams, unless written request to the Board for a formal hearing on the allegations made against her is received from Ms. Sams within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.

Ted A. LeNeave, NHA, Chair

Lisa R. Hahn, Executive Director

Date

Date